

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DARRAN WALKER,)
Plaintiff,)
v.) CIVIL ACTION NO. 5:10-CV-436 (MTT)
Sergeant HARTGROVE, et al.,)
Defendants.)

)

ORDER

This matter is before the Court on the Order and Recommendation (Doc. 4) of United States Magistrate Judge Charles H. Weigle. The Magistrate Judge recommends that Defendants Broom, Smithwick, and Downing be dismissed from the action due to the Plaintiff's failure to allege that these Defendants participated in, or are otherwise responsible for, the alleged use of force of which the Plaintiff complains. The Magistrate Judge further ordered that the Plaintiff's claims against the remaining Defendants proceed. The Plaintiff has not filed an objection to the Order and Recommendation. The Court has reviewed the Order and Recommendation, and the Order and Recommendation is adopted and made the order of this Court. Defendants Broom, Smithwick, and Downing are dismissed from the action, and the case shall proceed against the remaining Defendants.

SO ORDERED, this the 4th day of January, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT